

Application Serial No.: 10/031,105
Amdt. dated April 26, 2005
Reply to Final Office Action of December 30, 2004

REMARKS/ARGUMENTS

The Final Office Action dated December 30, 2004 and the references cited therein have been carefully considered. In response to the Office Action, Applicants have amended the abstract, specification and drawings to overcome various informalities. Applicants have further canceled Claim 7 and amended Claims 2-6 and 11, which, when considered with the remarks set forth below, are deemed to place the case in condition for allowance. As a result of the present Amendment, Claims 2-6 and 11 remain in the case for continued prosecution.

In the Office Action, the abstract and specification have been objected to based on various informalities. The Examiner has helpfully set forth the basis for each specific objection. In response, Applicants have amended the abstract and specification to correct each informality. Accordingly, it is respectfully submitted that the objections to abstract and specification have been overcome.

Also in the Office Action, the drawings have been objected to as not including reference signs for the features set forth in Claim 3, and for including reference numeral errors in Figs. 1B, 1C and 5. In response, Applicants submit herewith a "Replacement Sheet" for the drawings to correct the errors in Figs. 1B and 1C and a "Replacement Sheet" to correct the error in Fig. 5. In particular, --21;21b-- has replaced "2;21b" in Figs. 1B and 1C and reference numeral --9-- has been added to Fig. 5. Accordingly, it is respectfully submitted that the drawing objections to Figs. 1B, 1C and 5 have been overcome.

With respect to the omission of the reference signs for the features set forth in Claim 3, Applicants have amended Claim 3 to clarify the elements recited in the claim. Specifically, Applicants have amended Claim 3 to make clear that "a first rope" "a second rope" and "a third rope" are not positively recited in the claim. Instead, Claim 3 has been amended to define first, second and third forces acting on the lever system. These varying forces act through the rope 415a, 415d, which is clearly shown in the drawings. Accordingly, it is respectfully submitted that no drawing change is required with respect to Claim 3 and, therefore, this drawing objection has been overcome.

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Further in the Office Action, Claims 2-7 and 11 have been rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Again, the Examiner has helpfully set forth the basis for each specific rejection. In response, Applicants have canceled Claim 7 and amended Claims 2, 6 and 11 to address each rejection. Accordingly, it is respectfully submitted that the §112 rejection to Claims 2, 6 and 11 have been overcome.

Claim 4 has been deemed allowable if rewritten in independent form to overcome the rejection under 35 U.S.C. § 112, second paragraph, set forth in the Office Action and to include all of the limitations of the base claim and any intervening claims. In response, Applicants have amended Claim 4 by rewriting it in independent form including the limitations of the base Claim 11, and including the amendments to Claim 11 made to overcome the §112 rejection set forth in the Office Action. Accordingly, it is respectfully submitted that Claim 4 is now in condition for allowance.

Claims 2, 3, 5-7 and 11 have also been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,630,855 to Bjurling. The Examiner has maintained this rejection from the previous Office Action. In particular, the Examiner contends that the Bjurling `855 reference discloses all of the elements of these claims including a locking means, in the form of an actuator (9) and rollers (18), which is capable of performing to stop the movement of the telescopic beam at a desired place in relation to the frame.

Claim 3 has been further rejected under 35 U.S.C. § 103(a) as being unpatentable over the Bjurling `855 reference in view of U.S. Patent No. 3,712,661 to Strand. (It is apparent that paragraph 13 of the Office Action includes a typographical error with respect to its reference to "Claim 4" in that the remainder of the paragraph refers to the elements of Claim 3, and further in view of the Examiner's later indication of the allowability of Claim 4.) The Examiner concedes that the Bjurling `855 reference does not show a third force to actuate the twist locks. However, the Examiner contends that it would have been obvious to provide a rope system on the Bjurling `855 reference as taught by the Strand `661 reference in order to actuate twist locks to grip a container, as defined in Claim 3.

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Claims 2, 3, 5-7 and 11 have been further rejected under 35 U.S.C. § 103(a) as being unpatentable over Great Britain Patent No. 2,031,841 in view of Soviet Union Patent No. 1730000. The Examiner concedes that the Great Britain '841 reference does not clearly show a multi-rope lever system for performing the telescopic movement and the twist locks. However, the Examiner contends that the Soviet Patent '000 discloses a joint multi-rope lever system for performing telescopic movement and the twist locks and it would have been obvious to provide a joint multi-rope lever system on the Great Britain patent as taught by the Soviet Union patent for performing telescopic movement and the twist locks.

With respect to the prior art rejections of Claims 2, 3, 5-7 and 11, Applicants have amended independent Claim 11 to define a spreader system for lifting containers including a spreader frame having a locking unit disposed thereon and at least one telescopic beam telescopically movable in the spreader frame and having at least one locking point disposed thereon, wherein the locking point of the beam is engageable with the locking unit of the frame for releasably locking the beam in relation to the frame. It is respectfully submitted that none of the cited prior art references, taken alone or combined, discloses this locking feature between the beam and the frame. Accordingly, it is respectfully submitted that Claim 11, as amended, and the claims that depend therefrom patentably distinguish over the prior art.

In particular, the Bjurling '855 patent does not teach or suggest a locking unit disposed on a frame which is engageable with a locking point disposed on a beam telescopically movable within the frame for locking the beam in relation to the frame as defined in Claim 11, as amended. Instead, the guide rollers 18 positioned between the frame and the beam of the Bjurling '855 patent are merely used to guide the protruding rods 14 and 15 and there is no engagement of these rollers with any other structure to lock movement between the frame and the beam.

Similarly, neither the Great Britain '841 reference nor the Soviet Union '000 reference discloses a locking unit disposed on a spreader frame which is engageable with a locking point disposed on a telescopic beam movable in the spreader frame for releasably

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locking the beam in relation to the frame. Moreover, contrary to the Examiner's assertion, the Soviet Union '000 reference does not teach or suggest using the joint multi-rope lever system to actuate the twist locks. Instead, the twin pulleys 10 and the flexible elements 12 as shown in the Soviet Union '000 reference only appear to move the left and right beams. They do not actuate the twist locks.

In sum, none of the cited prior art references, taken alone or combined, discloses a spreader system for lifting containers including a spreader frame having a locking unit disposed thereon and at least one telescopic beam telescopically movable in the spreader frame and having at least one locking point disposed thereon, wherein the locking point of the beam is engageable with the locking unit of the frame for releasably locking the beam in relation to the frame. Therefore, it is respectfully submitted that Claim 11, as amended, as well as the claims that depend therefrom patentably distinguish over the prior art.

In view of the foregoing amendment and remarks, favorable consideration and allowance of the application with Claims 2-6 and 11 are respectfully solicited. If the Examiner believes that a telephone interview would assist in moving the application toward allowance, he is respectfully invited to contact the Applicants' attorney at the telephone number listed below.

Respectfully submitted,



Steven T. Zuschlag
Registration No.: 43,309
Attorney for Applicants

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(516) 822-3550
STZ/jp

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